Commission on the Limits of the Continental Shelf

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United Nations Convention on the Law of the Sea and the delineation of the continental shelf: opportunities and challenges for States

Open meeting of the Commission on the Limits of the Continental Shelf, 1 May 2000

Note by the Secretariat

1. At its fifth session, held in New York from 3 to 14 May 1999, the Commission on the Limits of the Continental Shelf ("the Commission") adopted in their final form the Scientific and Technical Guidelines (CLCS/11), which are intended to provide assistance to coastal States regarding the technical nature and scope of the data and information which they have to submit to the Commission. It also adopted annexes to the Guidelines (CLCS/11/Add.1), which, inter alia, include flowcharts that provide a simplified outline of the procedures described in the relevant parts of the Guidelines themselves.

2. The highly complex nature of the Guidelines, which deal with geodetic, geological, geophysical and hydrographic methodologies stipulated in article 76 of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Convention") for the establishment of the outer limits of the continental shelf, led the Commission to take important steps to assist coastal States in applying them, among which was the decision to hold an open meeting in 2000. As a general rule, the Commission meets in private (closed) sessions owing to its nature as a scientific and technical expert body which provides "recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf" (article 76, paragraph 8, of the Convention).

3. The open meeting was held in New York in the morning and afternoon of 1 May 2000, the first day of the seventh session of the Commission. The programme of the meeting was annexed to the agenda of the session (CLCS/20). Pursuant to the decision of the Commission, as reflected in paragraph 23 of the statement by the Chairman of the Commission on the progress of work in the Commission at its seventh session (CLCS/21), the present document constitutes a report on the open meeting of the Commission.

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4. The open meeting aimed at flagging the most important and challenging issues related to the establishment of the continental shelf beyond 200 miles, in accordance with the legal and scientific requirements of article 76 of the Convention. The meeting was also intended to give a general indication to policy makers and legal advisers of the benefits that a coastal State might derive from the extended continental shelf and the valuable resources thereof and to explain to experts in marine sciences involved in the preparation of submissions how the Commission considered that its Scientific and Technical Guidelines should be applied in practice.

5. In his opening statement, the Chairman of the Commission, Yuri Kazmin, emphasized that the importance of the resources to be derived from the continental shelf were enormous and that in future the shelf area would be the main source of world oil and gas supplies. Offshore oil production in 2000 was estimated at 1.23 billion tons; natural gas production was estimated at 650 billion cubic metres. The effect of the provisions of the Convention on the continental shelf was that practically all seabed oil and natural gas resources would fall under the control of coastal States.

6. The following presentations were made:

- The United Nations Convention on the Law of the Sea and the delineation of the outer limits of the continental shelf (Harald Brekke)
- The mandate and work of the Commission on the Limits of the Continental Shelf (Peter Croker)
- Modus operandi of the Commission (Samuel Betah, speaker, in collaboration with André Chan Chim Yuk)
- Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf (Osvaldo P. Astiz, K. R. Srinivasan and Mladen Juračić, in collaboration with Galo Carrera; Osvaldo P. Astiz, Yong Ahn Park and Peter Croker, speakers)
- Geographic scope and scientific challenges posed by article 76 of the United Nations Convention on the Law of the Sea (Galo Carrera)
- An outline for the preparation of a submission to the Commission on the Limits of the Continental Shelf (Galo Carrera and Alexandre Albuquerque; Galo Carrera, speaker).

7. Those presentations are contained in a document dated 20 April 2000, entitled "United Nations Convention on the Law of the Sea and the Delineation of the Continental Shelf: opportunities and challenges for States: open meeting of the Commission on the Limits of the Continental Shelf held on 1 May 2000". That document was made available at the open meeting and is posted on the web site of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, at: http://www.un.org/Depts/los/clcs_new/documents/clcsopen.htm.

8. The presentations were followed by a question-and-answer period. Several questions referred to the 10-year time period for making submissions to the Commission and the possibility of extending it. It should be noted that the matter was subsequently settled by the Meeting of States Parties to the Convention in its "Decision regarding the date of commencement of the 10-year period for making submissions to the Commission on the Limits of the Continental Shelf set out in

article 4 of annex II to the United Nations Convention on the Law of the Sea" (SPLOS/72). Another group of questions related, inter alia, to technical and scientific issues, such as the application of constraints of the 2,500 metre isobath plus 100 nautical miles, and that of 350 nautical miles, the understanding of gradient, the distinction among oceanic ridges, submarine ridges and submarine elevations of the continental margin, standards for scientific evidence presented to the Commission, partial submissions and provision of scientific and technical advice by the members of the Commission. In regard to these issues, it is noted that, after the open meeting, the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, embarked on the preparation, with the assistance of two members of the Commission, of a training manual to assist States in preparation of submissions to the Commission. Both the training manual, completed in January 2005, and the training material for regional training courses, which is based on the manual, expand on the Scientific and Technical Guidelines of the Commission, as well as on the presentations at the open meeting, and provide clarifications with regard to various questions of a scientific and technical nature raised at the open meeting.

9. At the open meeting, questions were also raised about training opportunities for developing countries, the situation of States with opposite coasts, the possibilities of third-party dispute settlement and the matters of confidentiality. The Chairman and the members of the Commission who made presentations endeavoured to provide detailed informative answers to those questions. Regarding the problems of developing countries, they noted that those problems were recognized and that the Commission had a working group on training that was preparing an outline for a training course for the delineation of the outer limits of the continental shelf and for the preparation of a submission. On dispute settlement, it was pointed out that the Commission was not a dispute-settlement mechanism and that its objective was to ensure the efficient implementation of its mandate under the Convention. It was further highlighted that the Commission was an enabling body to help States making submissions, that issues presented by States would be dealt with on a case-by-case basis and that the Commission intended to fulfil its mandate strictly according to the Convention. In addition, it was noted that the Commission endeavoured to work by consensus. With regard to the question on the issue of confidentiality, the Chairman said that the Commission had rules governing that issue and that it intended to apply the provisions of the Convention impartially.

10. Approximately 100 government officials, members of intergovernmental organizations, legal advisers and experts in marine sciences related to the establishment of an extended continental shelf attended the meeting (see also the statement of the Chairman of the Commission on the progress of work at its seventh session (CLCS/21)).